

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CHASITY WATKINS, as Guardian of the Person and Estate of AIDEN GREEN, A minor,

Plaintiff,

V.

No. 18-CV-1297

VHS WEST SUBURBAN MEDICAL CENTER, INC.,
et al.,

Defendants.

**PLAINTIFF'S MOTION FOR LEAVE TO FILE HER
THIRD AMENDED COMPLAINT**

Now comes the Plaintiff, CHASITY WATKINS, as Guardian of the Person and Estate of AIDEN GREEN, a minor, by and through her attorneys, COGAN & POWER, P.C., and requests this Honorable Court enter an order granting Plaintiff leave to file her Third Amended Complaint, as the Plaintiff has exhausted her administrative claim under the Federal Tort Claims Act, and in support therefore, states as follows:

1. This matter was originally filed in the Circuit Court of Cook County, Law Division, on May 26, 2016.
2. On November 1, 2017 Plaintiff was granted leave to file her Second Amended Complaint at Law, adding certain Defendants, which included NATASHA DIAZ, M.D. and TYLER CALLAHAN, D.O. (Exhibit "A") As Plaintiff's counsel, Michael Cogan, was aware of the potential that Dr. Diaz and/or Dr. Callahan worked for a federally funded clinic at the time as alleged in the Second Amended Complaint at Law, contemporaneous with the filing of the Second Amended Complaint Plaintiff's counsel also filed a Standard Claim Form 95 and served the

appropriate Federal agency. (Exhibit “B”) This was done to protect the minor’s claim which may be construed by the federal court as a claim filed under the Federal Tort Claims Act (FTCA).

3. On February 21, 2018 Counsel for United States filed a Notice of Removal from the Circuit Court of Cook County to the United States District Court, Northern District of Illinois (Exhibit “C”) and a Motion to Dismiss (Exhibit “D”).

4. As the Court correctly found Plaintiff had not yet exhausted her administrative remedy, on February 28, 2018 the Court entered an order dismissing this motion without prejudice, stayed all discovery and continued this matter for status to June 12, 2018. (Exhibit “E”)

5. As the Department of Health and Human Services has failed to respond to Plaintiff’s Claim Form 95 and Plaintiff has exhausted her administrative remedy, Plaintiff seeks leave to file her Third Amended Complaint including the United States of America as a party Defendant.

6. Attached hereto as Exhibit “F” is Plaintiff’s proposed Third Amended Complaint.

WHEREFORE, Plaintiff prays this Honorable Court enter an order granting her leave to file her Third Amended Complaint, and granting the Defendants, VHS WEST SUBURBAN MEDICAL CENTER, INC.; MARY LEUNG, R.N.; KARRI MacMILLAN, D.O., and the UNITED STATES OF AMERICA, twenty-eight (28) days in which to answer or otherwise plead to said Third Amended Complaint.

/s/Michael P. Cogan
One of the Attorneys for Plaintiff

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